



Order 2003-3-4

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 6th day of March, 2003

Application of

**GLENWOOD AVIATION, LLC
d/b/a AMERICA RISING**

for a certificate of public convenience and necessity under
49 U.S.C. 41102 to engage in interstate scheduled air
transportation of persons, property, and mail

Served: March 6, 2003

Docket OST-02-13365

FINAL ORDER

By Order 2003-3-8, issued February 7, 2003, we directed all interested persons to show cause why we should not make final our tentative findings and conclusions stated in it and award a certificate of public convenience and necessity to Glenwood Aviation, LLC d/b/a America Rising authorizing it to engage in interstate scheduled air transportation of persons, property, and mail using small aircraft under Part 135 of the Federal Aviation Regulations. Interested persons were given 14 calendar days to file objections to the order.

No objections to the show-cause order were received. We are therefore making our tentative conclusions and findings final with two changes to the Terms and Conditions. Provision 3, pertaining to aircraft size limitations and required Federal Aviation Administration authority pursuant thereto, has been modified to reflect the fact that Glenwood Aviation does not require an FAA Part 121 Air Carrier Certificate to operate larger helicopters. The carrier may do so with its current Part 135 certificate authority. Therefore, we have modified provision 3 to impose the following condition: "The holder's authority is limited to operations conducted with aircraft having 9 passenger seats or less. In the event that the holder wishes to initiate operations with aircraft having 10 or more passenger seats, it must first be determined fit for such operations."

We are also updating the language in provision 5 that deals with security matters to reflect the recently formed Department of Homeland Security as follows: "The holder's authority is effective only to the extent that such operations are also authorized by the FAA, and comply with all Department of Transportation and Department of Homeland Security requirements concerning security."

ACCORDINGLY: Acting under authority assigned by the Department in its regulations, 14 CFR 385.12:

1. We find that Glenwood Aviation, LLC d/b/a America Rising is fit, willing, and able to engage in interstate scheduled air transportation of persons, property, and mail.
2. We issue a certificate of public convenience and necessity to Glenwood Aviation, LLC d/b/a America Rising to engage in interstate scheduled air transportation in the form and subject to the Terms, Conditions, and Limitations attached.
3. We direct Glenwood Aviation, LLC d/b/a America Rising to submit to the Air Carrier Fitness Division a first year progress report within 45 days following the end of its first year of actual certificated flight operations.¹
4. We will serve a copy of this order on the persons listed in Attachment A to this order.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

The action taken by this order is effective immediately and the filing of a petition for review shall not alter its effectiveness.

By:

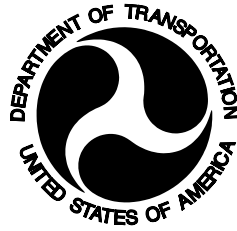
RANDALL D. BENNETT
Director
Office of Aviation Analysis

(SEAL)

An electronic version of this document is available on the World Wide Web at:

<http://dms.dot.gov>

¹ The report shall include a description of the carrier's current operations (number and type of aircraft, principal markets served, total number of full-time and part-time employees), a summary of how these operations have changed during the year, a discussion of any changes it anticipates from its current operations during its second year, current financial statements, and a listing of current senior management and key technical personnel. The carrier should also be prepared to meet with staff members of the Fitness Division to discuss its current and future operations.



**Certificate of Public Convenience and
Necessity
for
Interstate Air Transportation**

This Certifies That

**GLENWOOD AVIATION, LLC
d/b/a AMERICA RISING**

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in interstate air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the
Secretary

On March 6, 2003 2003-3-4 Director D. Bennett
Issued by Order Effective on (See Attached) Office of Aviation
Analysis



Attachment
Terms, Conditions, and Limitations

GLENWOOD AVIATION, LLC
d/b/a AMERICA RISING

is authorized to engage in interstate air transportation of persons, property, and mail between any point in any State, territory, or possession of the United States or the District of Columbia, and any other point in any of those entities.

This authority is subject to the following provisions:

(1) The authority to operate under this certificate will not become effective until six (business) days after the Department has received the following documents; provided, however, that the Department may stay the effectiveness of this authority at any time prior to that date:

(a) A copy of the holder's Air Carrier Certificate and Operations Specifications authorizing such operations from the Federal Aviation Administration (FAA).

(b) A certificate of insurance on OST Form 6410 evidencing liability insurance coverage meeting the requirements of 14 CFR 205.5(b) for all of its aircraft.

(c) A statement of any changes the holder has undergone in its ownership, key personnel, operating plans, financial posture, or compliance history, since the date of the Show Cause Order in this case.

(d) A revised list of pre-operating expenses already paid and those remaining to be paid, as well as independent verification that the holder has available to it funds sufficient to cover any remaining pre-operating expenses and to provide a

working capital reserve equal to the operating costs that would be incurred in three months of operations.

(2) Pending receipt of effective authority, the holder may not accept payment of any kind (i.e., cash, check, or credit card) or issue tickets for the operations proposed under this certificate, and any advertisement or listing of flights by the holder must prominently state: "This service is subject to receipt of government operating authority."

(3) The holder's authority is limited to operations conducted with aircraft having 9 passenger seats or less. In the event that the holder wishes to initiate operations with aircraft having 10 or more passenger seats, it must first be determined fit for such operations.

(4) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.

(5) The holder's authority is effective only to the extent that such operations are also authorized by the FAA, and comply with all Department of Transportation and Department of Homeland Security requirements concerning security.

(6) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

(7) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.

(8) The holder is authorized to conduct charter flights in interstate and/or foreign air transportation in accordance with the provisions of 14 CFR 212.

(9) In the event that the holder receives effective scheduled passenger authority, the following additional conditions will apply:

(a) The holder may reduce or terminate service at any point or between any two points, subject to compliance with the provisions of 49 U.S.C. 41734 and all orders and regulations issued by the Department of Transportation under that section.

(b) The holder may not provide scheduled passenger air transportation to or from Dallas (Love Field), Texas, except within the limits set forth in section 29 of the International Air Transportation Competition Act of 1979, as amended by section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1998.

(10) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(1)), it must first comply with the requirements of 14 CFR 204.5.

(11) In the event that the holder does not commence actual flying operations under this certificate within one year of the date of the Department's determination of its fitness, its authority shall be revoked for dormancy, unless the holder is conducting operations under another type of certificate authority. Further, in the event that the holder commences operations for which it was found "fit, willing, and able" and subsequently ceases all such operations, its authority under all certificates held shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

ATTACHMENT A

SERVICE LIST FOR GLENWOOD AVIATION, LLC

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